

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 3600

Appl. No. 09/762,778

Paper Dated April 6, 2006

Reply to Office Action of December 6, 2005

Attorney Docket No. 702-010062

REMARKS

The present invention embraces a coherent matrix including but not limited to mineral wool and a cured binder in which a zeolite ion-exchange agent is present. The zeolite ion-exchange agent is an inorganic material which is specifically incorporated because it contributes to characteristics in the mineral wool plant substrate which give new and unexpected results. In the December 6, 2005 Office Action, U.S. Patent No. 5,127,187 has been cited for the first time, purportedly for disclosing zeolite and for assertedly making obvious the incorporation of zeolite into the claimed invention.

There appears to be a misunderstanding, reflected in the December 6, 2005 Office Action, as to the nature of zeolite as a ion-exchange agent. Upon resolution of this apparent misunderstanding, the undersigned believes the claims will be seen as in condition for allowance.

Claims 12, 16, 19-22 and 24-26 stand rejected for purported obviousness over Clausen (WO 91/08662) in view of newly-cited Hattori et al. (U.S. 5,127,187). The Examiner has cited Hattori as teaching that zeolite is a well-known ion exchange material, but Hattori et al disclose a number of both organic and inorganic ion exchange materials and do not give any special emphasis to zeolite. For this reason, Hattori et al. do not supplement the disclosure of Clausen and, actually, the two references together actually teach away from the invention as claimed in claim 12. Clausen teaches the use of lignite as an ion exchange material, and lignite is an organic material. If one combines Clausen and Hattori et al., one skilled in the art would logically consider substituting one of the disclosed organic ion exchange materials of Hattori et al. for the organic ion exchange material of Clausen and therefore would not consider using the inorganic ion exchange materials instead. Even if one skilled in the art and consulting Clausen and Hattori et al. did consider the possibility of substituting an inorganic ion exchange material for an organic ion exchange material, a number of inorganic ion exchange materials are disclosed by Hattori et al. and one skilled in the art would not learn of the new and unexpected results attributable to the inclusion of zeolite until one had access to the present patent application. Notably, none of the Hattori et al. examples includes zeolite, which is not surprising because Hattori et al. do not give zeolite

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 3600

Appl. No. 09/762,778

Paper Dated April 6, 2006

Reply to Office Action of December 6, 2005

Attorney Docket No. 702-010062

much attention or emphasis at all. Thus, as set forth in claim 12, Clausen and Hattori et al. do not teach or suggest the recited invention unless hindsight is exercised—when one already knows that the choice of zeolite, specifically, can give new and unexpected results.

Further complicating the question of what Hattori et al. actually teach is their inclusion of lignite in the list of the components that can contribute the active carbon to the claimed combination. With Hattori et al.'s listing lignite as an active carbon ingredient, not a ion exchange material, a reading of Clausen and Hattori et al. together would require particular hindsight to unravel the confusion regarding whether lignite was an ion exchange material to start with and, if so, what other ion exchange material might give new and unexpected results in a particular context such as that of claim 12. Regardless of how one combines Clausen and Hattori, therefore, the two references do not combine to teach the subject matter of any of claims 12, 16, 19-22 or 24-26. (Incidentally, the Hattori et al. disclosure appears to be limited to house plants intended for display in bathrooms, tea rooms and in high positions reminiscent of tapestries, so Hattori et al. and their soil improver disclosure do not address the agricultural growth medium of the present invention conceptually and in any case do not address ways of improving agricultural growth medium such as contain mineral wool and binder as recited in claim 12.)

Finally, because the presence of zeolite is set forth in all the pending claims, and the specific recitation of zeolite in the claimed context is not taught by Clausen and Hattori et al. even in combination, the additional references' asserted teachings of other aspects of certain dependent claims do not make obvious the recitation of the inclusion of zeolite. Because none of De Groot et al., Jorgensen et al., or Schnuda teaches or suggests adding zeolite to the other recited components of a plant substrate, in view of the limitations in all the claims the purported rejections over De Groot et al., Jorgensen et al. and Schnuda are in condition for withdrawal.

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 3600

Appl. No. 09/762,778

Paper Dated April 6, 2006

Reply to Office Action of December 6, 2005

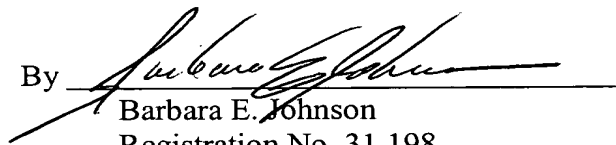
Attorney Docket No. 702-010062

Reconsideration and allowance of claims 12, 16 and 18-26 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By



Barbara E. Johnson

Registration No. 31,198

Attorney for Applicants

700 Koppers Building

436 Seventh Avenue

Pittsburgh, Pennsylvania 15219-1845

Telephone: 412-471-8815

Facsimile: 412-471-4094

E-mail: webblaw@webblaw.com